

*MBT*

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL ACTION  
: :  
v. : :  
: :  
SCOTT HORNICK : NO. 08-412-3

ORDER

**FILED**

OCT 06 2009

*MICHAEL E KUNZ, Clerk*  
By *[Signature]* Dep. Clerk

AND NOW, this 6th day of October, 2009, for the reasons  
set forth in the accompanying Memorandum, it is hereby ORDERED  
that:

(1) the motion of the defendant, Scott Hornick, to  
dismiss Counts One through Seven, and Count Nine of the  
superseding indictment is DENIED;

(2) the motion of the defendant, Scott Hornick, to  
dismiss Count Eight of the superseding indictment (incorrectly  
denominated as Count Ten in the defendant's motion) is GRANTED  
without prejudice to the filing of a second superseding  
indictment containing an amended Count Eight; and

(3) the Government, to the extent it has not already  
done so, is directed to advise the defendant forthwith of the  
approximate date or dates he violated 18 U.S.C. §§ 2118(b) and 2  
as alleged in Count Nine of the superseding indictment.

BY THE COURT:

*Hancey Bartlett*  
C.J.